

A G E N D A
RIO DELL CITY COUNCIL
CLOSED SESSION - 6:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, JUNE 19, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

1) 2012/0619.01 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a) Name of Case:
Steven and Sharon Wolff v. City of Rio Dell, Humboldt Superior
Court Case No. CV120162

2) 2012/0619.02 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a) Name of Case:
Anthony Micheli v. City of Rio Dell, Humboldt County Superior
Court Case No. CV100171

E. PUBLIC COMMENT REGARDING CLOSED SESSION

F. RECESS INTO CLOSED SESSION

G. RECONVENE INTO OPEN SESSION

H. ORAL ANNOUNCEMENTS

I. CEREMONIAL

- 1) 2012/0619.03 - Proclamation Honoring John M. Lane 1

J. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

K. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2012/0619.04 - Approve Minutes of the June 5, 2012 Regular Meeting (**ACTION**) 3
- 2) 2012/0619.05 - Approve Proposed Annual CPI Rate Adjustment with Eel River Disposal Co. and Accept as Amendment to the City's Solid Waste and Recycling Franchise Agreement Effective July 1, 2012 (**ACTION**) 8
- 3) 2012/0619.06 - Humboldt Waste Management Authority (HWMA) Rates for Fiscal Year 2012-2013 (**RECEIVE & FILE**) 14
- 4) 2012/0619.07 - Approve Resolution No. 1155-2012 Requesting that the Humboldt County Elections Department Include Rio Dell in the 2012 General Election (**ACTION**) 24
- 5) 2012/0619.08 - Approve Resolution No. 1159-2012 Amending Resolution No. 998-2010 Relating to the Requirement of Water Deposits for All Customers (**ACTION**) 26

L. SPECIAL PRESENTATIONS

M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2012/0619.09 - One Way Streets and Town Center Zoning (Direct Staff to Schedule Study Session with the Planning Commission) (**ACTION**) 29

N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2012/0619.10 - Introduce and Conduct First Reading (by title only) of Ordinance No. 290-2012 and Approve Resolution No. 1157-2012 Approving (or denying) the Albin General Plan and Zone Reclassification **(ACTION)** 35
- 2) 2012/0619.11 - Approve Resolution No. 1153-2012 Amending the 2006 CDBG Housing Rehabilitation Program Guidelines **(ACTION)** 58
- 4) 2012/0619.12 - Introduce and Conduct First Reading (by title only) of Ordinance No. 291-2012 Establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC) **(ACTION)** 65
- 5) 2012/0619.13 - Introduce and Conduct First Reading (by title only) of Ordinance No. 292-2012 Approving Eel River Industrial Park General Plan Amendment and Zone Reclassification **(ACTION)** 84
- 6) 2012/0619.14 - Approve Resolution No. 1158-2012 Adopting the Operating Budget for Fiscal-Year 2012-2013 **(ACTION)** 173

O. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director – Submittal of Check Register for May, 2012
4. Community Development Director

P. COUNCIL REPORTS/COMMUNICATIONS

Q. STUDY SESSIONS/PUBLIC HEARINGS

R. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

S. PUBLIC COMMENT REGARDING CLOSED SESSION

T. RECESS INTO CLOSED SESSION

U. RECONVENE INTO OPEN SESSION

V. ORAL ANNOUNCEMENTS

W. ADJOURNMENT

*The next Regular meeting will be on July 3, 2012
at 6:30 PM in the City Council Chambers*

CITY OF RIO DELL PROCLAMATION

WHEREAS, John Lane, along with his wife Flo moved to the City of Rio Dell in 1982 and built their home where they currently reside; and

WHEREAS, John became actively involved in the community immediately upon his arrival to town; and

WHEREAS, John was appointed as Interim City Manager in 1983 and served in that position until 1984;

WHEREAS, John served for 8 years on the Rio Dell City Council from 1989-1994, and 1996-1998 and during that time served on numerous committees such as the CDBG Loan Advisory Committee; Humboldt County Association of Governments (HCAOG), Redwood Region Economic Development Commission (RREDC), Local Agency Formation Commission (LAFCO); the Humboldt County Crime Commission Working with Law Enforcement; and as City Council liaison to the Planning Commission; and

WHEREAS, John served for 1 year on the Rio Dell Planning Commission from August, 1995 until his re-appointment to the City Council in 1996; and

WHEREAS, John served as President on Friends of the Library for 10 years and was instrumental in securing a grant through the Lytal Fund for remodeling of the library building; and

WHEREAS, though John was not an elected or appointed official, he regularly attended City Council and Planning Commission meetings providing valuable input and insight; and

WHEREAS, John's experience and expertise on a wide variety of issues was relied upon numerous times in the City's review of projects and the development of City goals, policies and priorities; and

WHEREAS, John has volunteered and spent timeless hours on City Projects such as records retention; smoke testing and update of the City's Noise Element; and

WHEREAS, John has volunteered and worked with the College of the Redwoods Foundation League raising money for student scholarships; and

WHEREAS, John was for 5 years a reporter for the Humboldt Beacon covering many City stories and events; and

WHEREAS, John has always been there to assist the needs of the City and the community with his service spanning decades; and

WHEREAS, on May 29, 2012, John celebrated his 90th Birthday.

NOW, THEREFORE, I, Mayor Julie Woodall, on behalf of the Rio Dell City Council, hereby honor John M. Lane for his passion, commitment and relentless service to the community as a public official and citizen of the City of Rio Dell. It is truly a pleasure to recognize someone who has given their time so selflessly to the community.

Dated: June 19, 2012

Mayor

**RIO DELL CITY COUNCIL
STUDY SESSION
REGULAR MEETING
JUNE 5, 2012
MINUTES**

The Study Session/Regular Meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Marks, Thompson and Wilson

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Water Superintendent Jensen, and City Clerk Dunham

Absent: Community Development Director Caldwell and Wastewater Superintendent Chicora (excused)

STUDY SESSIONS

Humboldt Waste Management Authority (HWMA) JPA Amendment

Mayor Woodall announced this item would be continued due to the City Attorney being unavailable.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Motion was made by Thompson/Wilson to approve the consent calendar including approval of minutes of the May 15, 2012 regular meeting; approval of minutes of the May 29, 2012 special meeting; and approval of Progress Payment Request No. 3 to Wahlund Construction, Sequoia Specialties in the amount of \$569,008.43 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project. Motion carried 5-0; Councilmembers Leonard and Marks abstained from vote on the minutes of May 15, 2012.

SPECIAL PRESENTATIONS

County of Humboldt Draft General Plan and Draft Environmental Impact Report – Presentation by John Miller

John Miller, from the Humboldt County Planning Department provided a public presentation and overview of the recommended changes to the County's Draft General Plan and EIR. He began by providing background information on what a General Plan is.

JUNE 5, 2012 MINUTES
Page 2

He said the existing General Plan was comprised of 26 documents and the objective of the updated plan is to create a more accessible and easy to use plan reflecting the changes in community values regarding land use, resource management, and community needs that have occurred over time. He said the new plan will also include updated demographic information such as population and growth projections and incorporate modernized GIS mapping. Because the General Plan is an expression of the community's values and its plans for growth, good planning depends on community involvement which he said why he is soliciting input from the City.

Mr. Miller then presented a map showing land uses surrounding the City of Rio Dell and a document outlining the key differences from the existing General Plan. He referred to an area on the map identified as RR5-20/UR (Urban Reserve) (above the Dinsmore Plateau) and asked the City Council if the desire is to leave that area as UR in anticipation of future annexation of those lands.

Councilmember Thompson said he believes the area in question will be proposed as annexation to the City within the next 5 years.

Mr. Miller commented that the public comment period on the Draft EIR will be open until June 15, 2012 and welcomed any comments.

Councilmember Marks asked whether a letter to the County regarding comments on the proposed zoning for parcels surrounding the City should come from the City Council or staff; Mr. Miller said a letter could be presented from either the Council or staff and should be submitted to the County sometime in June to avoid delay in the decision by the Board of Supervisors.

City Manager Stretch said he would like to see the map updated to reflect the City's current Sphere of Influence and suggested the City Council schedule a joint study session with the planning commission to discuss the matter further.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

One-Way Streets and Town Center Zoning

City Manager Stretch stated it recently came to his attention regarding the idea of designating a number of the streets in the "Avenues" as one-way streets and re-designating much of the area from Town Center (TC) to Urban Residential (UR). He said since Community Development Director Caldwell went home ill, he was suggesting the matter be continued to the next regular meeting.

Approve Micheli Stipulation

Approve Wolff Stipulation

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Page 3

City Manager Stretch announced that both the Micheli and Wolff stipulations would be continued to the next regular meeting.

ORDINANCES/SPECIAL RESOLUTIONS

Consider Albin General Plan and Zone Reclassification

City Manager Stretch stated that this was a fairly complicated item and recommended that it also be continued to the next regular meeting when Community Development Director Caldwell is present.

Approve Resolution No. 1153-2012 Amending the 2006 CDBG Housing Rehabilitation Program Guidelines

City Manager Stretch provided a staff report and said the item was presented to the Council at the May 15, 2012 regular meeting in which the Council considered changes to the CDBG Program Guidelines. He said staff is recommending that the City adopt a sliding scale interest rate based on income in attempt to encourage residents to take advantage of the program. He said Mayor Woodall raised the issue of whether or not the City is obligated to provide Owner-Investor loans and Councilmember Thompson suggested that Owner-Occupied loans be given priority over Owner-Investor loans. He said staff checked with the State representatives and the City is not obligated to provide Owner-Investor loans and may prioritize Owner-Occupied loans should the City continue to offer Owner-Investor loans.

Mayor Woodall stated she personally would like to remove the provision for Owner-Investor loans or leave the interest rate at 7%; and give priority to Owner-Occupied loans over Owner-Investor loans.

Finance Director Beauchaine commented that the purpose of the CDBG loan program is to address health and safety issues and what Community Development Director Caldwell is trying to do is spark some interest, and recommended the Council approve the sliding scale as presented then come back with further discussion regarding whether or not to allow Owner-Investor loans.

Mayor Woodall said she would agree to Owner-Investor loans provided the City establishes a rental-inspection program.

Councilmember Thompson stated that since there is only \$150,000 available for loans he would be in favor of eliminating the Owner-Investor provision until such time more funding becomes available.

Councilmember Marks said she was hesitant to remove anything from the guidelines in the absence of the Community Development Director.

City Manager Stretch said one option would be to revise the Resolution and bring it back at a subsequent meeting.

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Mayor Woodall asked for public comment on the proposed resolution; there were no comments made.

Consensus of the Council was that the matter be brought back to the Council for consideration at the next regular meeting.

Conduct Second Reading (by title only) and Approve Ordinance No. 288-2012 Cross Connection Control Ordinance

Water Superintendent Jensen provided a staff report and said the ordinance was introduced at the May 15, 2012 regular meeting and is now before the Council for its second reading and adoption.

A public hearing was opened at 7:20 p.m. to receive public input on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Thompson/Wilson to conduct the second reading (by title only) and approve Ordinance No. 288-2012 *Cross Connection Control Ordinance*.

Councilmember Leonard asked what the cost is for the backflow device including installation and inspection. Water Superintendent Jensen said the cost of the backflow device is between \$150-\$180; \$75-\$100 for inspection.

The motion then carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and announced that he created his work schedule for the month of June which represents his working 2 days one week followed by 3 days the next to keep within the ½ time work schedule.

Finance Director Beauchaine reported on recent activities in the finance department and said she had several things in progress and said the task regarding the sewer rate study was identified and hopefully she would have some costs to present soon.

Councilmember Wilson asked about the delay in the State reimbursement request on the Wastewater Treatment Plant Upgrade and Disposal Project; Beauchaine explained that the approximate \$1.2 million for planning and design was submitted to the State for reimbursement and the State responded with a request for additional backup, going back a number of years. As a result, staff is asking for reimbursement of \$1 million now with the balance to follow, allowing time to retrieve the documentation from the contractor. She said the City has had two prior financing contracts with the State and this is the first time they have asked for this level of backup. The State's explanation is that this is basically a new pot of funding with different requirements.

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Page 5

Water Superintendent Jensen reported on recent activities in the public works department and said the concrete pour was done for the Wastewater Project and the new RBC's were installed which he said should help with the recent odor problem at the plant. He also reported on the annual water inspection that was recently done and said it went extremely well. He said the Annual Consumer Confidence Report will be going out to customers in July.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:30 p.m. to the June 19 , 2012 regular meeting.

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk



TO: Mayor and Members of the City Council

FROM: Carla Ralston, Public Works Administrative Assistant

THROUGH: Jim Stretch, City Manager

DATE: June 19, 2012

SUBJECT: Annual Adjustment to Eel River Disposal Garbage Rates

RECOMMENDATION

Approve the proposed rate adjustment with Eel River Disposal, as noted in exhibit "C" and accept it as an amendment to the City's Solid Waste and Recycling Franchise Agreement, effective July 1, 2012.

BUDGETARY IMPACT

Cost adjustments are borne by the user of the service.

BACKGROUND AND DISCUSSION

The solid waste franchise agreement with Eel River Disposal (ERD) includes a provision for an annual CPI adjustment to the portion of the garbage rate that covers operational costs. Section 2.03.06 of the franchise agreement establishes that any CPI change "must have approval of the City Council as to accuracy prior to the service rate taking effect". The proposed rate change for this year based on the CPI, reflects an increase of 2.9 %. A 32 gallon can (emptied 1 time weekly) will be \$24.79/month, representing an increase of .67 cents from the current rate.

The rates for the various bins will reflect a slight increase as well. Additionally, the rate for the individual bags will be changed to \$5.92 for seniors and \$6.17 for non-seniors.

Eel River Disposal has sent three attachments along with their request. Exhibit 'A' shows that portion of the rate that is applied to the landfill fee, per our current agreement. Exhibit 'B' shows the new costs for collecting the garbage. Exhibit 'C' shows the new combined rate totals.

ATTACHMENTS:

Letter from ERD dated May 18, 2012
Exhibit 'A' City of Rio Dell Disposal Rates
Exhibit 'B' City of Rio Dell Collection Rates
Exhibit 'C' City of Rio Dell Combined Rates



May 18, 2012

City of Rio Dell
Mr. Ron Hendrickson
675 Wildwood Ave
Rio Dell, Ca., 95562

RE: Rate increase to be effective 7-1-12

Dear Mr. Hendrickson:

Please find enclosed new rate sheets reflecting our proposed rate change based upon the CPI, this year the change is +2.9% . The rate change should be effective July 1, 2012.

If you should have any questions I can be reached at 725-5156.

Sincerely,

Karen Smith
Office Manager

City of Rio Dell
Disposal Rates
EXHIBIT A

107.61 Per Ton
Effective 7-1-12

Bag Service **1 Bag**
Regular \$1.81

Monthly Rate
20-Gallon Can **1 Can**
1xWeekly \$4.91

Monthly Rate				
32-Gallon Can	1 Can	2 Cans	3 Cans	4 Cans
1xWeekly	\$7.85	\$15.71	\$23.56	\$31.41
2XWeekly	\$15.71	\$31.41	\$47.12	\$62.83

Monthly Rate							
Bins No Rental	1 Yard	1.5 Yard	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
1xWeekly	\$49.58	\$74.36	\$99.15	\$148.73	\$198.30	\$297.46	\$396.61
2xWeekly	\$99.15	\$148.73	\$198.30	\$297.46	\$396.61	\$594.91	\$793.22
3XWeekly	\$148.73	\$223.09	\$297.46	\$446.19	\$594.91	\$892.37	\$1,189.83

City of Rio Dell
Collection Rate
EXHIBIT B

Bold numbers
effective 7-1-12
1.029

Bag Service
Regular

1 Bag
\$4.23

\$4.35

Monthly Rate
20-Gallon Can
1xWeekly

1 Can
\$14.39

\$14.81

Monthly Rate
32-Gallon Can
1xWeekly
2XWeekly

1 Can	2 Cans	3 Cans	4 Cans
\$16.46	\$23.06	\$31.95	\$37.64
\$28.73	\$43.61	\$61.41	\$72.80
\$16.94	\$23.73	\$32.88	\$38.73
\$29.56	\$44.87	\$63.19	\$74.91

Monthly Rate
Bins No Rental
1xWeekly
2xWeekly
3XWeekly

1 Yard	1.5 Yard	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
\$27.77	\$41.64	\$55.59	\$83.40	\$111.14	\$166.78	\$222.91
\$49.56	\$82.77	\$110.48	\$165.63	\$221.16	\$331.34	\$441.83
\$83.40	\$124.22	\$165.63	\$248.57	\$331.34	\$496.98	\$663.03
\$28.58	\$42.85	\$57.20	\$85.82	\$114.36	\$171.62	\$229.37
\$51.00	\$85.17	\$113.68	\$170.43	\$227.57	\$340.95	\$454.64
\$85.82	\$127.82	\$170.43	\$255.78	\$340.95	\$511.39	\$682.26

Bin Rental

1 Yard	1.5 Yard	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
\$18.52	\$21.08	\$23.69	\$28.90	\$33.99	\$44.71	\$52.12
\$19.06	\$21.69	\$24.38	\$29.74	\$34.98	\$46.01	\$53.63

City of Rio Dell

Combined Rate
EXHIBIT C

To be effective 7-1-12

Bag Service
Regular **1 Bag**
\$6.17

Monthly Rate
20-Gallon Can **1 Can**
1xWeekly \$19.72

Monthly Rate
32-Gallon Can **1 Can** **2 Cans** **3 Cans** **4 Cans**
1xWeekly \$24.79 \$39.44 \$56.44 \$70.15
2XWeekly \$45.27 \$76.29 \$110.31 \$137.74

Monthly Rate
Bins No Rental **1 Yard** **1.5 Yard** **2 Yard** **3 Yard** **4 Yard** **6 Yard** **8 Yard**
1xWeekly \$78.15 \$117.21 \$156.35 \$234.55 \$312.67 \$469.07 \$625.98
2xWeekly \$150.15 \$233.90 \$311.99 \$467.89 \$624.18 \$935.86 \$1,247.86
3XWeekly \$234.55 \$350.91 \$467.89 \$701.96 \$935.86 \$1,403.76 \$1,872.08

Bin Rental **1 Yard** **1.5 Yard** **2 Yard** **3 Yard** **4 Yard** **6 Yard** **8 Yard**
\$19.06 \$21.69 \$24.38 \$29.74 \$34.98 \$46.01 \$53.63

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Data extracted on: May 17, 2012 (11:16:54 AM)

Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SA0

Not Seasonally Adjusted

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2002	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9	179.9	178.9	180.9
2003	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3	184.0	183.3	184.6
2004	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3	188.9	187.6	190.2
2005	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8	195.3	193.2	197.4
2006	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8	201.6	200.6	202.6
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	207.342	205.709	208.976
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	215.303	214.429	216.177
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	214.537	213.139	215.935
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	218.056	217.535	218.576
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	224.939	223.598	226.280
2012	226.665	227.663	229.392	230.085											

12-Month Percent Change

Series Id: CUUR0000SA0

Not Seasonally Adjusted

Area: U.S. city average

Item: All items

Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2.0	2.2	2.4	1.6	1.3	1.9
2003	2.6	3.0	3.0	2.2	2.1	2.1	2.1	2.2	2.3	2.0	1.8	1.9	2.3	2.5	2.0
2004	1.9	1.7	1.7	2.3	3.1	3.3	3.0	2.7	2.5	3.2	3.5	3.3	2.7	2.3	3.0
2005	3.0	3.0	3.1	3.5	2.8	2.5	3.2	3.6	4.7	4.3	3.5	3.4	3.4	3.0	3.8
2006	4.0	3.6	3.4	3.5	4.2	4.3	4.1	3.8	2.1	1.3	2.0	2.5	3.2	3.8	2.6
2007	2.1	2.4	2.8	2.6	2.7	2.7	2.4	2.0	2.8	3.5	4.3	4.1	2.8	2.5	3.1
2008	4.3	4.0	4.0	3.9	4.2	5.0	5.6	5.4	4.9	3.7	1.1	0.1	3.8	4.2	3.4
2009	0.0	0.2	-0.4	-0.7	-1.3	-1.4	-2.1	-1.5	-1.3	-0.2	1.8	2.7	-0.4	-0.6	-0.1
2010	2.6	2.1	2.3	2.2	2.0	1.1	1.2	1.1	1.1	1.2	1.1	1.5	1.6	2.1	1.2
2011	1.6	2.1	2.7	3.2	3.6	3.6	3.6	3.8	3.9	3.5	3.4	3.0	3.2	2.8	3.5
2012	2.9	2.9	2.7	2.3											

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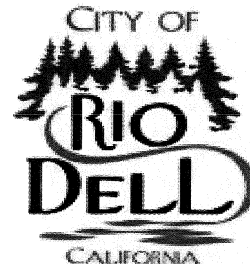
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STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Jim Stretch, City Manager

DATE: June 19, 2012

SUBJECT: HWMA Rates for Fiscal Year 2012-2013

RECOMMENDATION

Receive and file the newly adopted rates.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

The City of Rio Dell has a Joint Powers Agreement (JPA) with Humboldt Waste Management Authority (HWMA). Section 7.3(c) of that Agreement requires HWMA to provide notice to member agencies of proposed rate changes.

At a regular meeting of the HWMA Board of Directors held on May 10, 2012, Resolution 2013-01 for the collection of Integrated Waste Management Fees for the 2012-2013 fiscal year was considered. The resolution was adopted with no proposed changes in rates from the previous year. The rates will remain in effect from July 1, 2012 through June 30, 2013.

ATTACHMENTS:

HWMA Letter dated May 7, 2012
Resolution No. 2013-01



May 7, 2012

Ron Henrickson
City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Dear Ron Henrickson:

At a regular meeting on May 10, 2012 the HWMA Board of Directors will hold a public hearing to approve Resolution 2013-01 revising waste management fees for Fiscal Year 2012/2013. No other public hearing will be held and the approved fees will go into effect July 1, 2012.

Enclosed is a copy of the proposed Fee Resolution for FY12/13. If you have any questions please give me a call.

Sincerely,

Patrick Owen
Interim Executive Director

RESOLUTION 2013-01

A RESOLUTION OF THE HUMBOLDT WASTE MANAGEMENT AUTHORITY FOR THE COLLECTION OF INTEGRATED WASTE MANAGEMENT FEES

Section 1. PURPOSE AND INTENT.

The purpose of this Resolution is to establish and collect fees as authorized by Sections 41901 and 41902 of the Public Resources Code in order to fund the reasonable and necessary costs incurred by the Humboldt Waste Management Authority in the preparation, maintenance, adoption and implementation of the Countywide Integrated Waste Management Plan mandated by Section 40000 et seq. of the Public Resources Code, and in the operation of the integrated waste management system implemented as a result of that plan.

It is the intent of this Resolution and of the Authority to achieve these purposes in the most cost-effective manner possible, while continuing to reduce the amount and toxicity of waste generated in the County to the greatest degree possible.

It is the further intent of the Authority that such fees recover the full and complete costs associated with providing and operating waste management facilities and programs, including any and all surcharges imposed by other governmental agencies on the receipt, handling, processing or disposal of refuse or other waste materials. Facility and program costs supporting the fees charged by this Resolution are identified in the Authority's annual budget.

Section 2. DEFINITIONS.

- (a) Unless otherwise stated, the terms used in this Resolution shall have the same meaning as provided by the definitions set forth in Section 17225 of Title 14, California Code of Regulations and the appropriate subsections of Division 30, Part 1, Chapter 2, California Public Resources Code.
- (b) "Authority" means the Humboldt Waste Management Authority.
- (c) "Executive Director" means the Executive Director of the Humboldt Waste Management Authority or a designated representative thereof.
- (d) "Franchise Collector" or "Franchise Waste Hauler" means a company that collects Solid Waste under contract with a public agency.
- (e) "Greenwaste" means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, yard clippings, leaves, tree trimmings, prunings, brush, weeds, wood that is not treated with preservatives or painted and cardboard that is not otherwise recyclable."
- (f) "Household Hazardous Waste" means all those wastes defined by Section 25218.1(e) of the Health and Safety Code and/or Cal. Admin. Code tit. 14, § 18720(27).

- (g) "Jurisdictional Boundaries of the Authority" means the jurisdictional boundaries coinciding with those of the Authority's member agencies.
- (h) "Operator" means a person or entity who accepts Waste Material generated within the Jurisdictional Boundaries of the Authority and to whom permission to operate a Transformation Facility or Transfer/Processing Station for Solid Waste, or a combination of Solid Waste and Hazardous Waste, is granted under Section 40000 et seq. of the Public Resources Code.
- (i) "Non-Franchise Collector" or "Collector" means a person or entity within the Jurisdictional Boundaries of the Authority engaged in collecting and/or transporting Solid Waste directly to an approved landfill facility for the purpose of disposal.
- (j) "Satellite Facility" means a transfer station that receives Waste Materials generated from within the Jurisdictional Boundaries of the Authority that is not owned or directly operated by the HWMA.
- (k) "Self Haul Customers" means any person or entity that transports Solid Waste directly to a Transfer/Processing Station and/or Transformation Facility.
- (l) "Solid Waste" means all putrescible and nonputrescible solid, and semisolid wastes; including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. "Solid Waste" does not include hazardous, low-level radioactive or medical waste. "Solid Waste" as herein defined shall not include materials source-separated by the generator for the purpose of recycling, reuse, repair, or composting.
- (m) "Transfer/Processing Station" means a facility utilized to receive Waste Material from Collectors and Self Haul Customers and to temporarily store, separate, transfer, convert, or otherwise process said materials and/or to transfer it directly from smaller to larger vehicles or railroad trains for transport.
- (n) "Transformation Facility" means a facility whose principal function is to receive and manage Solid Waste through a non-landfill disposal process other than composting such as incineration, pyrolysis, distillation, gasification, or biological conversion.
- (o) "Waste Material" means all materials including Solid Waste, Household Hazardous Waste, and Greenwaste.

Section 3. COLLECTION OF FEE.

The Waste Management Fee shall be collected from all Franchise and Non-Franchise Collectors, Self Haul Customers, and all Operators of Transformation Facilities and/or Transfer/Processing Stations located within the Jurisdictional Boundaries of the Authority or who accept Waste Material generated within the Jurisdictional Boundaries of the Authority. Such Fee shall be

included in and considered to be part of the disposal rate charged by Operators and Collectors for the provision of services.

For Non-Franchise Collectors, Transformation Facilities or Transfer/Processing Stations collecting or receiving Waste Material, the fee shall be based only on the Solid Waste collected or received except as set forth in Schedule A herein.

Non-Franchise Collectors shall maintain at their respective offices or other place acceptable to the Authority, full and complete accounting books and records, and shall prepare and submit, without additional request and at no cost to the Authority, records documenting their respective proper performance under this Ordinance. The Authority may audit such books and records at the Authority's expense upon three (3) working days' notice.

Section 4. WASTE MANAGEMENT FEE.

(a) The Authority Waste Management Fee rates specified in Schedule A shall take effect beginning on July 1, 2012 for the Fiscal Year 2012/2013.

(b) Table 1. Countywide Program Fees shall be paid by all Franchise Collectors, Non-Franchise Collectors and Self Haul customers. For Self-Haul customers, this fee shall be collected by the Operator and remitted to the Authority on a monthly basis.

(c) Table 2. Self Haul Fees for Authority owned and/or operated facilities shall be paid by all Self Haul customers at Authority owned and/or operated facilities. This includes all persons or entities dropping off Waste Materials at an Authority facility except Franchise Collectors. Self Haul loads that require special handling or processing, such as travel trailers, auto body parts, large pieces of concrete or metal, or cleanup of spills may be charged an additional per hour fee for the extra handling required. Loads containing cathode ray tubes, appliances, tires, or any other unpermitted waste may be subject to additional special fees established in Schedule A, Table 7.

(d) Table 3. Franchise Collector Fees for Authority Operated Facilities shall be paid by all Franchise Collectors dropping off Waste Materials at any Authority owned or operated facility. Member agencies that drop off Waste Materials at an Authority facility shall pay the Franchise Collector Fee rate found in Schedule A, Table 3. Franchise Collector loads that require special handling or processing, such as travel trailers, auto body parts, large pieces of concrete or metal, or cleanup of spills, may be charged an additional per hour fee for the extra handling required. Loads containing cathode ray tubes, tires, or any other unpermitted waste may be subject to additional special fees established in Schedule A, Table 7.

(e) Table 4. Volume Based Pricing, Hawthorne Facility, shall be paid by Self Haul customers when the scales are inoperable.

(f) Table 5. HWMA Fees for Satellite Facilities shall be paid by Operators of independent transfer stations for handling Authority member Solid Waste.

(g) Table 6. Non-Franchise Collector Fees consisting of Countywide Fees shall be paid by Non-Franchise Collectors. Non-Franchise Collectors shall deliver copies of all weight receipts to the Authority on a monthly basis.

(h) Table 7. Additional Fees shall be charged to Franchise Collectors and Self Haul Customers that drop off non-standard Waste Materials as specified in Table 7.

(i) Table 8. Household Hazardous Waste Fees shall be charged to Self Haul customers, both residential and commercial. Residential customers who bring in more than 15 gallons per vehicle (measured by the total volume of the containers brought in, not by the volume of material contained) and commercial customers may be charged a fee based on the cost of handling and processing as determined by the Executive Director.

(j) Table 9. Greenwaste Fees Charged at Mad River Compost Facility. Franchise Collector Fees and Self Haul Customer Fees shall be paid by all customers dropping off Green Waste at the Mad River Compost Facility.

(k) Table 10. Eureka Recycling Center Fees shall be charged to Self Haul customers, both residential and commercial, who use the Hawthorne Street drop-off facility.

Section 5. PAYMENT OF FEES.

(a) For cash transactions, payment shall be due upon delivery of the Waste Materials in accordance with Schedule A herein. For account customers, the fee shall be set based upon the volume or tonnage of Waste Material received during the preceding month according to Schedule A. Fees charged to accounts shall be paid to the Humboldt Waste Management Authority within thirty (30) days following the fee due date. The due date is the date of the monthly statement, and shall become due and payable by each account customer on the date of the monthly statement.

(b) Fees that are not remitted to the Authority within thirty (30) days following the due date provided in this part are delinquent. A late fee of one and one half percent (1 1/2%) shall be assessed on delinquent accounts not paid by the end of the month. The minimum late fee is \$1.

(c) Documentation substantiating the tonnage upon which the Waste Management Fee is collected shall be maintained by an Operator or Collector for a period of three years.

Upon three working days written notice, an Operator or Collector shall provide access to the Authority for the purpose of reviewing the accuracy of the submitted data.

In the event that the Authority, following such a review, determines that the accuracy of the submitted data cannot be verified, the Authority and the Operator or Collector shall mutually agree to an alternative procedure for determining or measuring the tonnage collected, or received at the Disposal Site, Transformation Facility and/or Transfer/Processing Station, in order to ensure the accuracy of such data.

Failure to implement or to adhere to a verifiable measuring procedure after a reasonable period of time shall result in the referral of the disputed collections for review to an independent auditor. Costs for such an audit shall be borne by the losing party.

In the event that an independent audit determines that funds due the Authority under this Ordinance have not been paid in a timely manner, such amounts shall be determined to be delinquent, and shall be subject to late fee penalties.

(d) Customers who wish to keep a record of individual waste transactions should retain their weight ticket (invoice) from each transaction. The Authority also keeps a record of transactions. Customers may request copies of previous weight tickets and will be charged 75 cents for each weight ticket that is copied, sent, or faxed. A request for a copy of any weight ticket that is over 180 days old will be billed at \$40 per hour for staff research time.

Section 6. FAILURE TO COMPLY.

The Authority may collect any unpaid fees and penalties by civil action, in which event the Authority shall have judgment for the cost of the suit and reasonable attorney's fees.

Remedies for the failure to comply with this Resolution are non-exclusive. The Authority reserves the right to take any, all or combination of administrative, civil and criminal actions to enforce the terms of this Resolution, separately or concurrently.

Section 7. REFUNDS.

In the event any fee has been overpaid or has been erroneously received by the Authority under this Resolution, it shall be refunded.

Section 8. EFFECTIVE DATE.

This Resolution shall take effect on July 1, 2012.

The foregoing Resolution was passed by the Board of the Humboldt Waste Management Authority this 10th day of May, 2012.

APPROVED:

John Maxwell , Chairperson

Date: _____

ATTEST:

HWMA Clerk

Date: _____

**SCHEDULE A
WASTE MANAGEMENT FEES**

TABLE 1

COUNTY WIDE PROGRAMS	PER TON
Household Hazardous Waste Program	5.71
Cleanup / Enforcement Programs	0.57
Rural Container Program	2.56
City/County AB 939 Recycling Program	2.46
Table Bluff Landfill Maintenance	0.40
County Local Enforcement Agency (LEA)	2.66
Administration	5.44
Cummings Road Maintenance	4.87
Total	24.67

TABLE 2

SELF HAUL FEES FOR AUTHORITY OPERATED FACILITIES	PER TON
Operation, Capital, Transport, Disposal	121.64
Countywide Programs	24.67
Total Self Haul Rate Per Ton	146.31
Minimum Fee for Waste	12.00
Greenwaste	90.00
Minimum Fee for Greenwaste	7.00
Carpet, Pilot Recycling Program	90.00
Minimum Fee for Carpet	7.00
Special Handling, Per Hour (Minimum for illegal dump clean up is \$100.)	180.00/hr.
See Table 7 for Additional Fees	
See Table 8 for Household Hazardous Waste Fees	

TABLE 3

FRANCHISE COLLECTOR FEES FOR AUTHORITY OPERATED FACILITIES	PER TON
Operation, Capital, Transport, Disposal	95.56
Countywide Programs	24.67
Total Franchise Rate Per Ton	120.23
Special Handling, Per Hour	180.00/hr.
See Table 7 for Additional Fees	
Greenwaste delivered to HWMA facilities	55.00

TABLE 4

VOLUME BASED PRICING, HAWTHORNE STREET FACILITY	
General Residential Waste	
Minimum Fee for Waste	12.00
Per Cubic Yard	15.00
Small Pickup (level with top of the box)	20.00
Mid-Size Pickup (level with top of the box)	27.00
Full-Size Pickup (level with top of the box)	33.00
Misc. Construction Debris Per Cubic Yard	78.00
Greenwaste Per Cubic Yard	9.00

TABLE 5

SATELLITE FACILITIES	PER TON
Operation, Transport, Disposal	70.96
Countywide Programs	24.67
Total Satellite Facilities Rate	95.63

TABLE 6

NON-FRANCHISE COLLECTOR	TOTAL
Countywide Programs	24.67

TABLE 7

ADDITIONAL FEES	EACH
Asbestos Handling Fee (in addition to per ton rate)	50.00
Appliances with Freon or without Freon, Large Commercial Unit	65.00
Appliances with Freon or without Freon, Residential	*
Bulky Items such as mattress, sofa, stuffed chair (in addition to per ton rate)	5.00
Bulky Items Franchise Rate per Item (in addition to per ton rate)	3.00
Tire, Light Truck, Passenger, Motorcycle or Smaller	5.25
Tire, Light Truck , Passenger, Motorcycle or Smaller on Rim	6.50
Tire, Truck	11.50
Tire, Truck on Rim	23.00
Tire, Grader	40.00
Tire, Off Road (Giant)	257.00
Tire, Foam Filled or Solid (forklift)	194.00

TABLE 8

HOUSEHOLD HAZARDOUS WASTE FEES	
Residential Users Per visit, up to 15 gallons*	5.00 per visit
* Volume is calculated by the volume of the container, regardless of how much material is in the container.	
For Commercial Users or Residential Users with loads over 15 gallons, the rate will be based on the cost of handling and processing as determined by the Executive Director.	

TABLE 9

GREENWASTE FEES AT MAD RIVER COMPOST FACILITY	
Franchise Collector Rate Per Ton	55.00
Self Haul Rate Per Ton	90.00
Self Haul Rate Per Cubic Yard	9.00
Self Haul Minimum Fee	7.00

TABLE 10

EUREKA RECYCLING CENTER	
Self Haul Minimum Fee (No Charge items are exempt from Minimum Fee)	No fee
Appliances with Freon or without Freon, Large Commercial Unit	65.00
Appliances with Freon or without Freon, Residential	*
Books	*
Cathode Ray Tubes (televisions and computer monitors)	*
Dual-stream Recycling, per visit	No fee
Electronics, Computers	*
Fluorescent Tubes (4' max) and Compact Fluorescent Lights, 10 combined	No Charge
Fluorescent Tubes, over 4' or more than 10 combined, each	*
HID Lights, each	*
Used Oil and Oil Filters, Residential	No Charge
CRV redemption only	No Charge
*Charges for additional materials will be based on the cost of handling and processing as determined by the Executive Director.	



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
JUNE 19, 2012**

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Jim Stretch, City Manager

DATE: June 19, 2012

SUBJECT: November 6, 2012 General Election

RECOMMENDATION

Approve Resolution No. 1155-2012 requesting the County of Humboldt Elections Department to include Rio Dell in the November 2012 General Election

BUDGETARY IMPACT

Estimated Election Costs are \$1,200 - \$1,500

BACKGROUND AND DISCUSSION

Per the Elections Code, the City may request election services from the County Clerk. This is the appropriate time to request the County administer the November election for the two (2) City Council seats up for election which are those of Councilmembers Thompson and Wilson.

The cost of the Candidate Statements, should they choose to submit them will be borne by the candidates.

ATTACHMENTS:

Resolution No. 1155-2012
Election Calendar

RESOLUTION NO. 1155-2012

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL REQUESTING THE COUNTY
OF HUMBOLDT ELECTIONS DEPARTMENT
TO INCLUDE RIO DELL IN THE 2012
GENERAL ELECTION

WHEREAS, a general election is set for the City of Rio Dell on November 6, 2012; and

WHEREAS, the Elections Code of the State of California provides that the local governing body may request election services of the County Clerk concerning the conduct of general elections; and

WHEREAS, the City Council of the City of Rio Dell is desirous of having the County of Humboldt Elections Department provide certain services for the conduct of the general election and the Rio Dell City Council election to be held on November 6, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA that the City of Rio Dell hereby requests the Humboldt County Board of Supervisors to authorize the County of Humboldt Elections Department to conduct the general election and the City Council election for the City of Rio Dell on November 6, 2012, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, the actual conduct of the election, and the counting of ballots with the tally turned into the City Clerk of the City of Rio Dell for announcement of the results of the election.

PASSED AND ADOPTED this 19th day of June, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Jim Stretch, City Manager

DATE: June 6, 2012

SUBJECT: Revising the Water Deposit Fee

ATTACHEMENT: - Resolution No.1159-2012 – A Resolution Amending
Resolution No. 998-2008

Recommended Council Action:

A. By motion, approve Resolution 1159-2012 to amend Fee Resolution 998-2008, Section 7(b) as follows: **“Section 7 (b). Deposit for all non-owner customers shall be \$100.00”.**

B. Take no action.

Background:

In response to the City experiencing delinquent account write-offs for water service, primarily due to customers leaving town without paying their bill, the City Council passed Resolution 1142-2012 on February 21, 2012 to increase water deposits and water reconnection fees. The Resolution also changed the deposit requirement from only non-owner customers to “all customers”.

Discussion:

The fee adjustments for the water service deposits and reconnection fees included in Resolution 1142-2012 have been effective and are not suggested for any change.

The focus of the enclosed Resolution 1159-2012 is solely related to changing the requirement that property “owner customers” be subject to the requirement. They and their agents are not the problem and are substantially inconvenienced by the requirement. That change simply needs to be reversed.

Financial Impact:

Since no existing fees are recommended to be changed, there is no financial impact to the City. If anything, the amendment will save staff time in handling evidence of ownership documents required to separate property owner water customers from non-owners.

Staff Recommendation:

Therefore, it is recommended that Resolution 1159-2012 be adopted to amend Section 7(b) of Fee Resolution 998-2008 to apply to non-owners customers only.

RESOLUTION NO. 1159 -2012
A RESOLUTION AMENDING RESOLUTION
NO. 998-2008 RELATING TO THE REQUIREMENT
OF WATER DEPOSITS FOR ALL CUSTOMERS

WHEREAS, the City of Rio Dell is authorized by the California Constitution and the California Code to charge fees to cover expenses for the services it provides; and

WHEREAS, the City Council of Rio Dell did on April 15, 2008 adopt Resolution No. 998-2008; and

WHEREAS, on February 21, 2012 the City Council of Rio Dell amended Resolution No. 998-2008 to adjust fees and change the water service deposit requirement for all customers; and

WHEREAS, the change of the deposit requirement from non-owner customers to also include owner customers has resulted in unintended consequences, inconveniencing customers that do not have delinquent account problems and adding to City staff workload.

NOW, THEREFORE, BE IT RESOLVED that Section 7 (b) of Resolution No. 998-2008 is hereby rescinded as of the effective date of this Resolution and replaced by sections 7(b) as follows:

Section 7 (b). Water Deposit for non-owner customers shall be \$100.00.

This Resolution shall be effective immediately.

PASSED AND ADOPTED this 19th day of June, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Julie Woodall, Mayor


Karen Dunham, Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 12, 2012

Subject: One Way Streets & Town Center Zoning

Recommendation:

1. Direct staff to schedule a Joint Study Session with both the Planning Commission and the City Council to further discuss and consider the One Way Streets Concept and amending the Town Center designation and its' allowed uses.

Discussion

Staff organized a meeting on May 16, 2012 regarding designating a number of the streets in the "Avenues" neighborhood as one-way streets and redesignating much of the "Avenues" neighborhoods from Town Center to Urban Residential. About 20 people attended the meeting, including both the Police Chief and Fire Chief. Included as Attachments 1 and 2 are copies of the mailers that were sent to the City residents.

One Way Streets

As expected, there were concerns regarding changing the streets to one way streets. All agreed that there is both an access problem and a parking problem on most of the streets in the neighborhood.

There were basically four options discussed: (1) one way streets; (2) parking restricted to one side of the street only; (3) parking by permit only; and (4) no change at all.

One Way

All agreed that the one way street concept would work but it would be a little more inconvenient and would take time to get used to.

Parking One Side

Parking on one side of the street would displace many vehicles and may become an enforcement issues for the Police department. It was stated that some residents may have 6 or 7 vehicles.

Permit Parking

The idea of permit parking was discussed. It was thought that each resident would be limited to two on-street parking permits. Although this may work for a number of the resident's, a significant portion of the residences do not have on-site parking spaces and have more than two vehicles. This option would also require enforcement by the Police department. This option had some support, but it would not eliminate the congestion that is intended as part of the one way street concept.

It should be noted that the group discussed the number of unregistered or non-operating vehicles contributing the congestion and parking problems in the neighborhood. The Police Chief indicated that the Police department does respond to complaints and does have vehicles abated and encouraged the group to let his department know of any unregistered or non-operating vehicles.

Near the end of the discussion, one resident said that safety and emergency access should be the community's priority, not the inconvenience of taking a few seconds longer to get to and from home. The discussion wound down and there was a general consensus to think about the one way concept and discuss it with their neighbors. Staff informed the group that we would schedule another meeting, possibly a joint study session with the Planning Commission and City Council to determine which of any of the options to pursue.

Town Center

Staff discussed the concept of redesignating all but those parcels that front on Wildwood Avenue from Town Center to Urban Residential. It was pointed out that a major reason that area was designated Town Center is that the TC zone allows residential uses on lots as small as 2,500 square feet. The reduced minimum lot size did facilitate the tear down of older dilapidated structures, subdivision and construction of new homes on a few parcels in the area.

The main reason for redesignating the parcels is that the Town Center zone allows a number of uses which may not be compatible with the residential character of the neighborhood. Another reason for redesignating the area back to residential is that some lenders have questioned the residential use in a commercial zone.

In the end, there was support from those in attendance to redesignate all but those parcels that front on Wildwood Avenue from Town Center to Urban Residential.

Attachments

Attachment 1: One Way Streets Concept Meeting Notice.

Attachment 2: Town Center Meeting Notice.

Attachment 3: Possible Town Center designation.



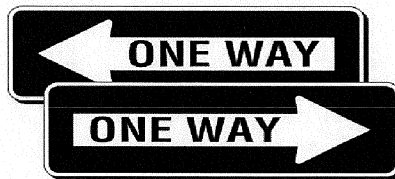
MEETING NOTICE

One Way Streets Concept

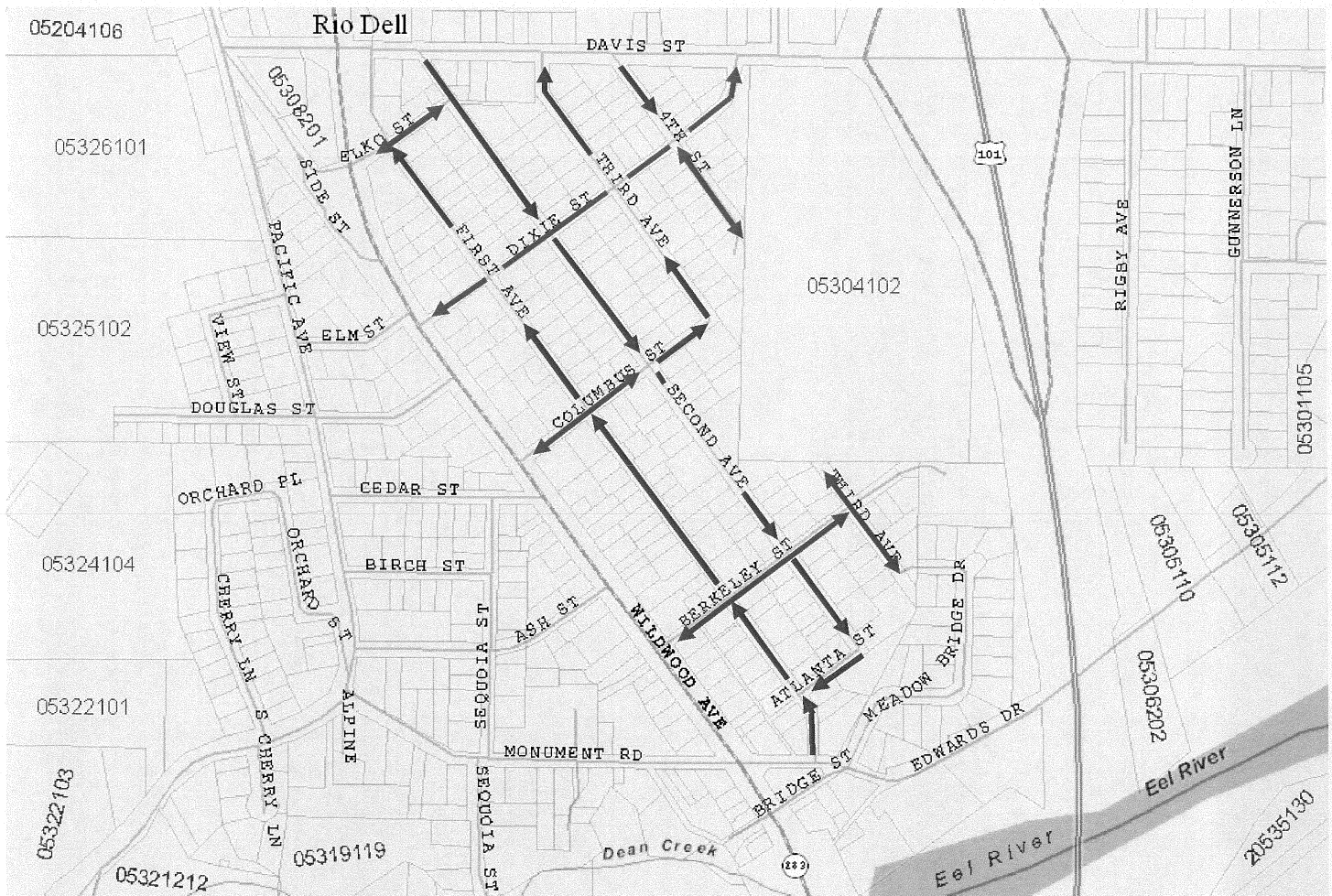
Wednesday, May 16, 2012

City Council Chambers

6:00 PM



On **Wednesday, May 16, 2012 at 6:00 PM** the City will hold an informational meeting with residents and property owners to discuss the possibility of establishing **ONE-WAY** streets in the “**Avenues**” neighborhood. The purpose of the meeting is to solicit your comments and concerns regarding the concept. The purpose of the concept is to improve, pedestrian, bicycle and vehicular safety, including emergency response access. Currently due to the narrow street widths and the amount of on-street parking, it is very difficult if not impossible to pass an oncoming vehicle. This would be very undesirable in an emergency situation. Please note that on-street parking would remain the same.



You input is needed and appreciated in order to determine if the City should pursue this concept. Please join us on **May 16th** and let your voice be heard. We want to hear from you, your friends and your neighbors. If you have any questions please feel free to contact **Kevin Caldwell** at (707) 764-3532 or by email at kcaldwell@riodellcity.com.

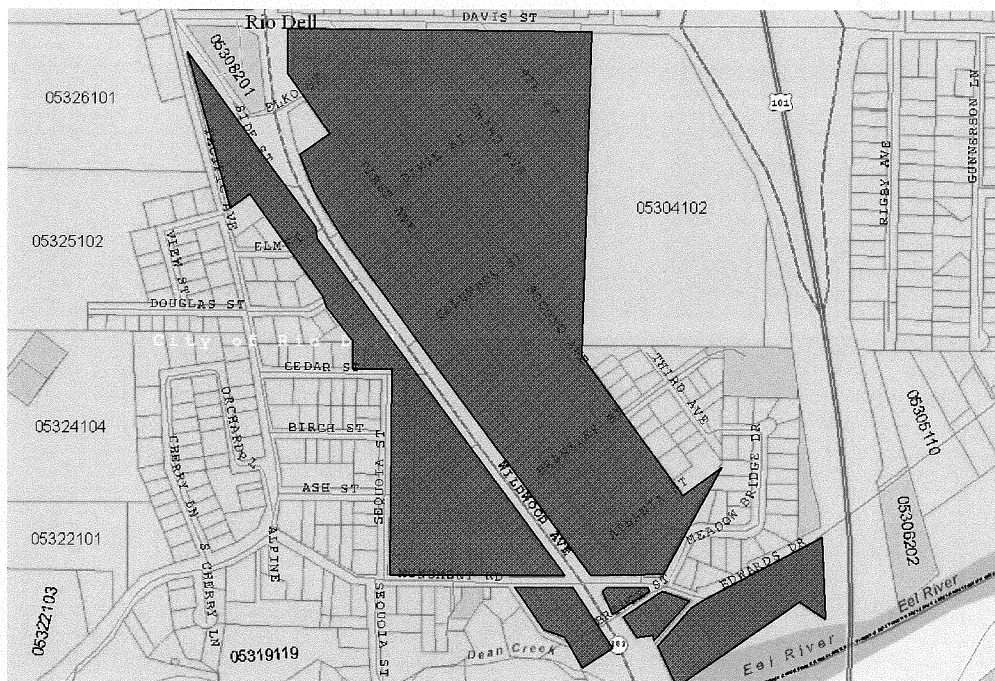


MEETING NOTICE

Town Center Zoning
Wednesday, May 16, 2012
City Council Chambers
7:00 PM



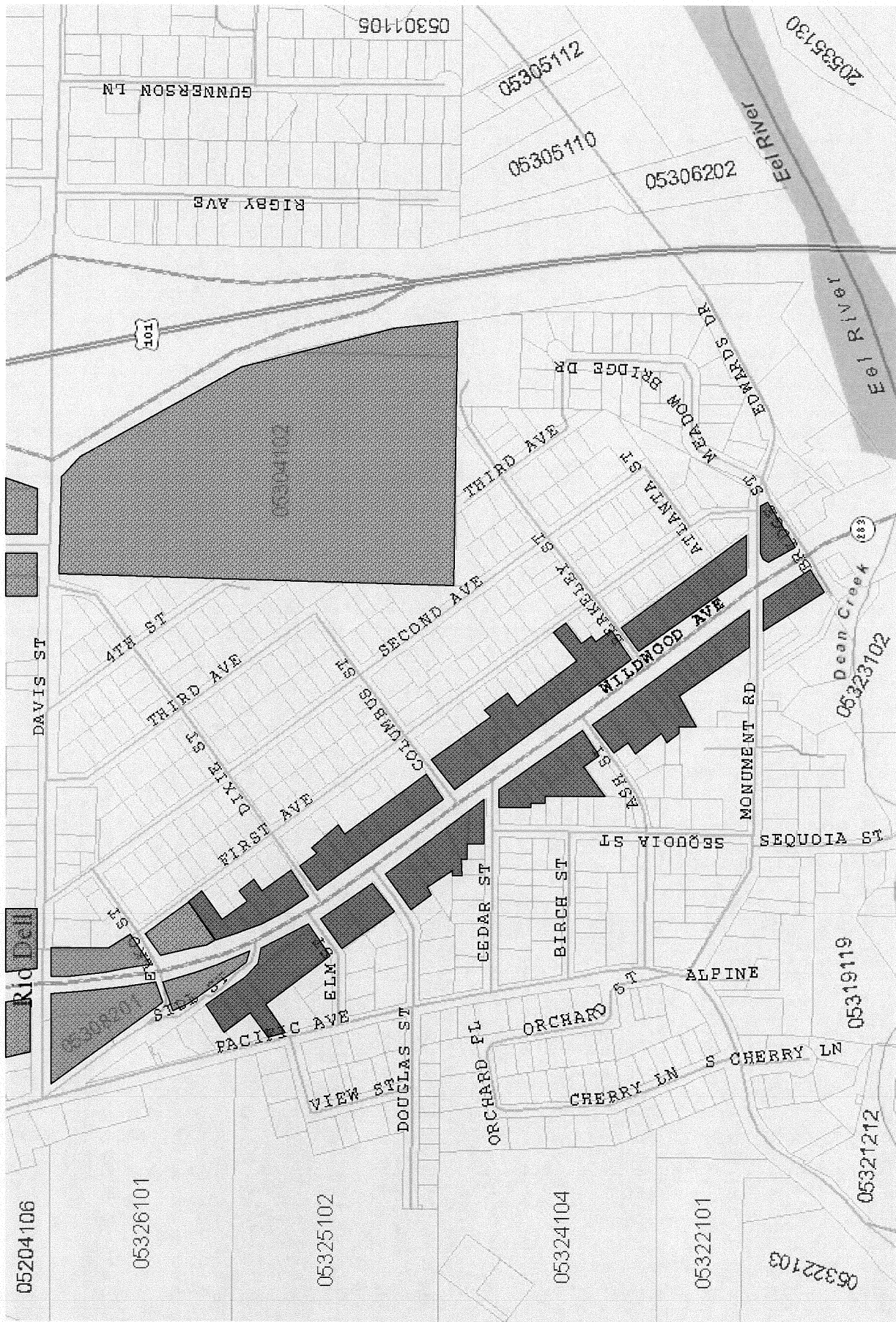
On **Wednesday, May 16, 2012 at 7:00 PM** or as soon thereafter the matter can be heard, the City will hold an informational meeting with residents and property owners to discuss the possibility redesignating parcels in the "Avenues" neighborhood from Town Center to Urban Residential. The purpose of the meeting is to solicit your comments and concerns regarding the concept.



In 2004 the City redesignated much of the "Avenues" neighborhood from its traditional "Residential" zoning to the current "Town Center" zoning designation. The Town Center designation allows a number of uses which may not be compatible with the residential character of the existing neighborhoods. The Town Center zone allows business and professional offices, retail sales and services, restaurants, bars, theaters, galleries, hotels and motels. The Urban Residential zone allows residences, second units and Home Occupations. City staff is considering redesignating those parcels that do not front on Wildwood Avenue to Urban Residential.

City staff is also considering amending the allowed uses in the Town Center zone to eliminate detached and attached single family dwellings and to include artisan studios (i. e. woodworking, ceramics, glass works, metal sculpting, etc.) as Conditionally Permitted uses.

You input is needed and appreciated in order to determine if the City should pursue this concept. Please join us on **May 16th** and let your voice be heard. We want to hear from you, your friends and your neighbors. If you have any questions please feel free to contact **Kevin Caldwell** at (707) 764-3532 or by email at kcaldwell@riodellicity.com.




Town Center Alternative Designations


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 19, 2012
SUPPLEMENTAL INFORMATION

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 13, 2012

Subject: Albin General Plan Amendment and Zone Reclassification

Attached is the Albin staff report. In an attempt to save copy costs, staff did not include some of previously provided attachments which were provided to your Council for the meeting of May 15, 2012. If you need another copy of those attachments, please let staff know.

As you're aware the Council considered the Albin amendments at the meeting of May 15th. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5th. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 15, 2012
CONTINUED TO JUNE 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: April 30, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Introduce Ordinance No. 290-2012 and Resolution No. 1157-A-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of July 3, 2012 for second reading and adoption; **or**
5. Adopt Resolution No. 1157-B-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) .

Background and Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;

- Existing inventory of residentially designated lands.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as Attachment 1. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

Table 1
Commercial/Residential Lands

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. At this point in time there doesn't appear to be need for additional residential lands within the City. In contrast there is only about 33 acres designated for Community Commercial development. Please refer to the Land Use Map included as **Attachment 3**.

Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial. There are twenty (20) parcels in the City that area zoned Community Commercial. Of those twenty parcels only four are vacant. Please refer to Table 2. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development. Please refer to the map included as **Attachment 2**.

Table 2
Vacant Community Commercial Parcels

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50'+/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted. Please refer to **Attachments 5 and 6**.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website. Please see **Attachment 7**.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **may not be in the public interest** at this time. However, based on the information provided by the applicant's agent, the Commission could recommend that the proposed amendment is in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documents, staff believes there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the demand for commercial land in Rio Dell is not present.

At this point in time based on existing General Plan goals and policies, staff believes the proposed amendments **may not be consistent the General Plan** and its implementation policies and programs. However, the Commission could recommend approval if they believe the proposed amendments would result in focusing commercial development in the Town Center, which is consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a "foreseeable" project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study

and Draft Mitigated Negative Declaration which has been prepared and is attached to this staff report as **Attachment 8**. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of June 5, 2012 for the second reading, approval and adoption. Should the City Council believe the required findings cannot be made; the Council should approve and adopt Resolution No. 1153-B-2012 denying the proposed amendments.

Attachments

Attachment 1: Applicant's justification regarding the proposed amendments. **Previously provided.**

Attachment 2: Map of parcel and surrounding area.

Attachment 3: Map of Community Commercial parcels.

Attachment 4: Map of the four vacant Community Commercial parcels.

Attachment 5: Community Commercial Development Standards. **Previously provided.**

Attachment 6: Neighborhood Commercial Development Standards. **Previously provided.**

Attachment 7: Parcel's Multiple Listing advertisement. **Previously provided.**

Attachment 8: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 9: Draft Ordinance No. 290-2012 and Resolution No. 1153-A-2012 approving the proposed amendments.

Attachment 10: Draft Resolution No. 1153-B-2012 denying the proposed amendments.

Albin General Plan Amendment and Zone Reclassification

Applicant's justification regarding the proposed amendments.

Previously provided.